ESTTA Tracking number:

ESTTA717846

Filing date:

12/31/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	YoungZone Culture (ShangHai) Co., Ltd.
Granted to Date of previous extension	01/03/2016
Address	Room 590, Block 2, No. 1006 Jinshajiang Road, Putuo District Shanghai, CHINA

Attorney information	M. Scott Alprin Alprin Law Offices, P.C. 5 Pinehurst Circle, N.W. Washington, DC 20015 UNITED STATES
	trademarks@alprinlaw.com

Applicant Information

Application No	86546324	Publication date	07/07/2015
Opposition Filing Date	12/31/2015	Opposition Peri- od Ends	01/03/2016
Applicant	Bestco Corporation Limited Room 731 Bldg A Huameiju Xinhu Rd District 82, Baoan,, Shenzhen CHINA		

Goods/Services Affected by Opposition

Class 028. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Children's educational toys for developing fine motor, oral language, numbers, counting, colors and alphabet skills sold in a fabric bag which has a clear vinyl window for viewing small trinkets and toys securely contained within the bag itself; Educational toys for teaching math principles to children, namely, manipulative blocks for displaying patterns and groupings; Educational toys for teaching music principles to children, namely, hand-held music notation symbols and music related figures, such as individual hand-held piano keys; Electronic educational game machines for children

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Torres v. Cantine Torresella S.r.I.Fraud	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86652572	Application Date	06/05/2015
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NEOBEAR	L	
Design Mark	NEOE	EAR	
Description of Mark	The mark consists of wording head inside a rhombus above ing "NEOBEAR" is white, the brows are black, the outline o of rhombus is red.	the wording. The bar face of bear head is	ckground is orange, the word- orange, the eyes and eye-
Goods/Services	Class 009. First use: First Use	e: 2015/01/10 First U	se In Commerce: 2015/05/16
	Computer game programs; Computer hardware; Computer hardware and computer software programs for the integration of text, audio, graphics, still images and moving pictures into an interactive deliveryfor multimedia applications; Computer software featuring musical sound recordings and musical video recordings; Computers; Downloadable electronic publications the nature of books in the field of early education; Electro-dynamic apparatus for the remote control of signals; Electronic pens; Notebook computers; Portable media players		
U.S. Application	86652573	Application Date	06/05/2015

U.S. Application No.	86652573	Application Date	06/05/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NEOBEAR		

Design Mark	NEOBEAR
Description of Mark	The mark consists of wording "NEOBEAR" in stylized font and a device of bear head inside a rhombus above the wording. The background is orange, the wording "NEOBEAR" is white, the face of bear head is orange, the eyes and eyebrows are black, the outline of wording and bear head is black, the background of rhombus is red.
Goods/Services	Class 028. First use: First Use: 2015/01/10 First Use In Commerce: 2015/05/16
	Balls for games; Children's educationaltoys for developing fine motor, cognitive, counting skills; Children's multipleactivity toys; Handheld game consoles; Jigsaw puzzles; Manually-operated exercise equipment for physical fitness purposes; Plush toys; Portable games with liquid crystal displays; Video game machines

U.S. Application No.	86652574	Application Date	06/05/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NEOBEAR		

Design Mark	NEOBEAR
Description of Mark	The mark consists of wording "NEOBEAR" in stylized font and a device of bear head inside a rhombus above the wording. The background is orange, the wording "NEOBEAR" is white, the face of bear head is orange, the eyes and eyebrows are black, the outline of wording and bear head is black, the background of rhombus is red.
Goods/Services	Class 016. First use: First Use: 2015/01/10 First Use In Commerce: 2015/05/16 Blank paper tapes and cards for the recording of computer programs; Books in the field of early education; Educational publications, namely, educational learning cards, flash cards, activity cards, workbooks, textbooks, activity books, story books, puzzle books, printed puzzles,teacher guides, manuals, posters and educational booklets in the field of earlyeducation; General feature magazines; Geographical maps; Note cards; Pen and pencil cases and boxes; Printed instructional, educational, and teaching materials in the field of early education; Printed publications, namely, brochures, booklets, and teaching materials in the fieldof early education; Stationery; Terrestrial globes

Attachments	86652572#TMSN.png(bytes) 86652573#TMSN.png(bytes) 86652574#TMSN.png(bytes)
	NEOBEAR - Notice of Opposition - Final w Exhibits.pdf(215987 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/NicholasTSantucci/
Name	Nicholas T. Santucci
Date	12/31/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEAMARK TRIAL AND APPEAL BOARD

Opposition No
Serial No.: 86/546,324
Mark:
Neobear

NOTICE OF OPPOSITION

In the matter of U.S. Trademark Application Serial No. 86/546,324 ("the Application") for registration of the mark NEOBEAR (the "Applied-for Mark") filed February 25, 2015, by Bestco Corporation Limited ("Applicant") and published for opposition in the Official Gazette of July 7, 2015, YoungZone Culture (ShangHai) Co., Ltd ("Opposer"), believes that it would be damaged by such registration and hereby opposes the registration of the Applied-for Mark.

As grounds for opposition, Opposer alleges that:

- Opposer is a Chinese limited liability company located at Room 590, Block 2, No. 1006,
 Jinshajiang Road, Putuo District, Shanghai CHINA.
 - 2. Opposer is the owner of U.S. Trademark Application Serial No. 86/652,572 for the

mark for use in connection with "Computer game programs; Computer hardware;

Computer hardware and computer software programs for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications;

Computer software featuring musical sound recordings and musical video recordings;

Computers; Downloadable electronic publications in the nature of books in the field of early

education; Electro-dynamic apparatus for the remote control of signals; Electronic pens; Notebook computers; Portable media players" in Class 9.

3. Opposer is the owner of U.S. Trademark Application Serial No. 86/652,573 for the

mark for use in connection with "Balls for games; Children's educational toys for developing fine motor, cognitive, counting skills; Children's multiple activity toys; Handheld game consoles; Jigsaw puzzles; Manually-operated exercise equipment for physical fitness purposes; Plush toys; Portable games with liquid crystal displays; Video game machines" in Class 28.

4. Opposer is the owner of U.S. Trademark Application Serial No. 86/652,574 for the

mark for use in connection with "Blank paper tapes and cards for the recording of computer programs; Books in the field of early education; Educational publications, namely, educational learning cards, flash cards, activity cards, workbooks, textbooks, activity books, story books, puzzle books, printed puzzles, teacher guides, manuals, posters and educational booklets in the field of early education; General feature magazines; Geographical maps; Note cards; Pen and pencil cases and boxes; Printed instructional, educational, and teaching materials in the field of early education; Printed publications, namely, brochures, booklets, and teaching materials in the field of early education; Stationery; Terrestrial globes" in Class 16.

5. Opposer has attached to this Notice of Opposition true and correct copies of the title and status information from the USPTO's Trademark Status and Document Retrieval database, captured on December 31, 2015 for Application Serial Nos. 86/652,572; 86/652,573; and 86/652,574 ("Opposer's Applications").



- 6. Opposer holds extensive common law rights in the mark due to its use in commerce in connection with various goods and/or services.
- 7. On information and belief, Applicant is a Chinese corporation located at Room 731 Bldg A Huameiju Xinhu Rd, District 82, Baoan, CHINA Shenzhen.
- 8. On February 25, 2015, Applicant filed U.S. Trademark Application Serial No. 86/546,324 on an intent-to-use basis seeking registration the mark NEOBEAR in standard characters for use in connection with "Children's educational toys for developing fine motor, oral language, numbers, counting, colors and alphabet skills sold in a fabric bag which has a clear vinyl window for viewing small trinkets and toys securely contained within the bag itself; Educational toys for teaching math principles to children, namely, manipulative blocks for displaying patterns and groupings; Educational toys for teaching music principles to children, namely, hand-held music notation symbols and music related figures, such as individual hand-held piano keys; Electronic educational game machines for children" in Class 28.
 - 9. The Applied-for Mark was published for opposition on July 7, 2015.
- 10. Opposer's first use of the mark in U.S. commerce in connection with Opposer's goods and/or services precedes Applicant's first use of the Applied-for Mark in U.S. commerce.
- 11. Registration of the Applied for Mark in connection with Applicant's goods and/or services is likely to deceive purchasers, cause confusion, or cause mistake as to the source or sponsorship of such goods and/or services.
- 12. The registration sought by Applicant is contrary to Section 2(d) of the Lanham Act and other provision of the Trademark Act, and Opposer would be damaged thereby.

NOTICE OF OPPOSITION | Mark: NEOBEAR | Serial No.: 86/546,324

13. Upon information and belief, Applicant is not currently using the Applied-for Mark in

U.S. commerce and has never used the Applied-for Mark in U.S. commerce.

14. Upon information and belief, Applicant does not currently have a bona fide intent to use

Applied-for Mark in U.S. commerce and has never had a bona fide intent to use the Applied-for

Mark in U.S. commerce.

15. Upon information and belief, Applicant committed fraud when it applied for registration

of the Applied-for Mark by knowingly making a false, material, and intentionally-deceptive

representation to the USPTO that Applicant had a bona fide intent to use the Applied-for Mark in

U.S. commerce when it had not.

Opposer respectfully requests that the application for registration of the NEOBEAR mark

in Application Serial No. 86/546,324 be refused, and that this Opposition be sustained in favor of

Opposer.

Opposer appoints M. Scott Alprin, a member of the Bars of the State of Maryland and the

District of Columbia, and Nicholas T. Santucci, a member of the Bar of the State of New York,

at the firm of:

Alprin Law Offices, P.C.

5 Pinehurst Circle, N.W.

Washington, D.C. 20015

Tel: (202) 659-8225

Fax: (202) 659-0441

Email: trademarks@alprinlaw.com

to act as attorneys in this opposition proceeding.

Respectfully submitted,

ALPRIN LAW OFFICES, P.C.

Date: December 31, 2015

M. Scott Alprin

Nicholas T. Santucci (Signatory)

Alprin Law Offices, P.C. 5 Pinehurst Circle, N.W. Washington, D.C. 20015

Tel: (202) 659-8225 Fax: (202) 659-0441

Email: trademarks@alprinlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **NOTICE OF OPPOSITION** will be served on Applicant by mailing said copy, via United States Postal

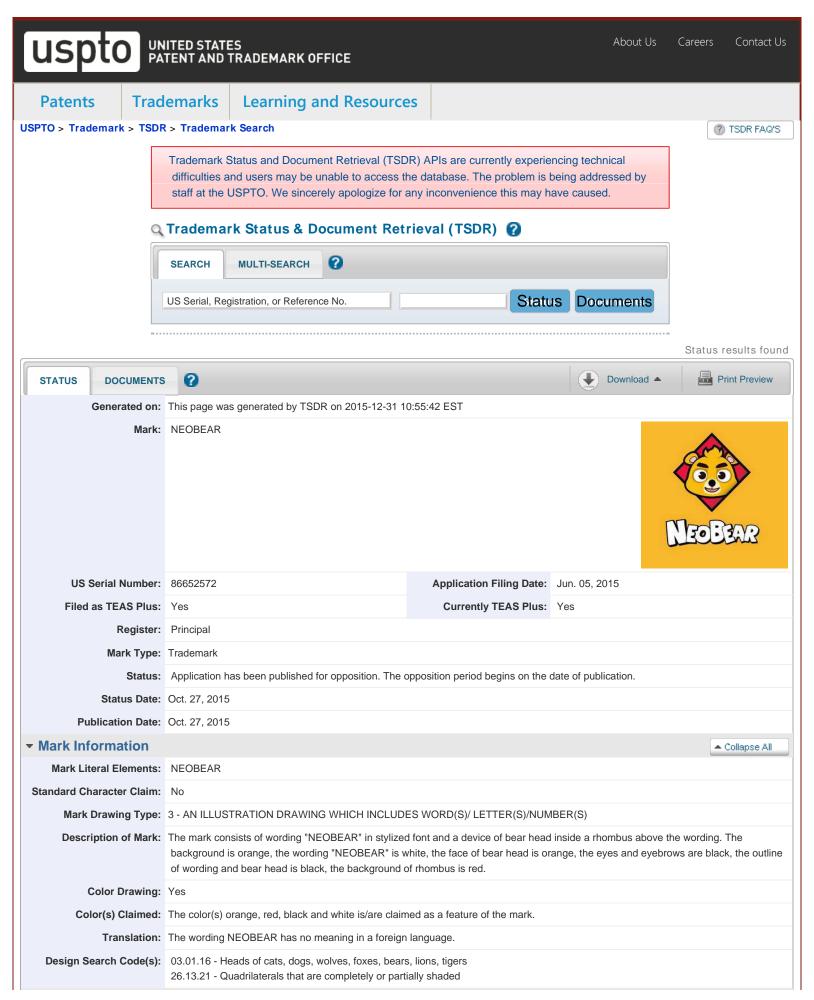
Service First Class Mail, postage prepaid, on December 31, 2015, to:

Tommy SF Wang Yang & Wang P C 355 S Grand Ave Ste 2450 Los Angeles, CA 90071-9500 UNITED STATES yangwanglaw@gmail.com

ALPRIN LAW OFFICES, P.C.

M. Scott Alprin

Nicholas T. Santucci (Signatory)



Trademark Status & Document Retrieval **▼** Goods and Services Note: The following symbols indicate that the registrant/owner has amended the goods/services: • Brackets [..] indicate deleted goods/services; • Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks *..* identify additional (new) wording in the goods/services. For: Computer game programs; Computer hardware; Computer hardware and computer software programs for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications; Computer software featuring musical sound recordings and musical video recordings; Computers; Downloadable electronic publications in the nature of books in the field of early education; Electro-dynamic apparatus for the remote control of signals; Electronic pens; Notebook computers; Portable media players International Class(es): 009 - Primary Class U.S Class(es): 021, 023, 026, 036, 038 Class Status: ACTIVE Basis: 1(a) First Use: Jan. 10, 2015 Use in Commerce: May 16, 2015 ▼ Basis Information (Case Level) Filed Use: Yes Currently Use: Yes Amended Use: No Filed ITU: No Currently ITU: No Amended ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Currently 44E: No Amended 44E: No Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No Current Owner(s) Information Owner Name: YoungZone Culture (ShangHai) Co.,Ltd Owner Address: Room 590, Block 2, No. 1006 Jinshajiang Road, Putuo District Shanghai CHINA Legal Entity Type: limited liability company State or Country Where CHINA Organized: ▼ Attorney/Correspondence Information Attorney of Record - None Correspondent Correspondent ANTHEA LEE Name/Address: 10685B Hazelhurst Dr # 9123 Houston, TEXAS UNITED STATES 77043-3238 Fax: 302-451-9920 Correspondent e-mail: anthealee_ch@hotmail.com mr.kgip@gmail.com Correspondent e-mail Yes Authorized: **Domestic Representative** Domestic Representative Anthea Lee Name: Fax: 302-451-9920 Domestic Representative e- anthealee_ch@hotmail.com Domestic Representative e- Yes mail Authorized: mail:

▼ Prosecution History

Date	Description	Proceeding Number
Oct. 27, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 27, 2015	PUBLISHED FOR OPPOSITION	

Oct. 07, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 23, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 16, 2015	ASSIGNED TO EXAMINER	77073
Jun. 11, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jun. 10, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 09, 2015	NEW APPLICATION ENTERED IN TRAM	
- TM Stoff and Lagation Information		

▼ TM Staff and Location Information

TM Staff Information

TM Attorney: BELLO, ZACHARY R Law Office Assigned: LAW OFFICE 111

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Sep. 23, 2015

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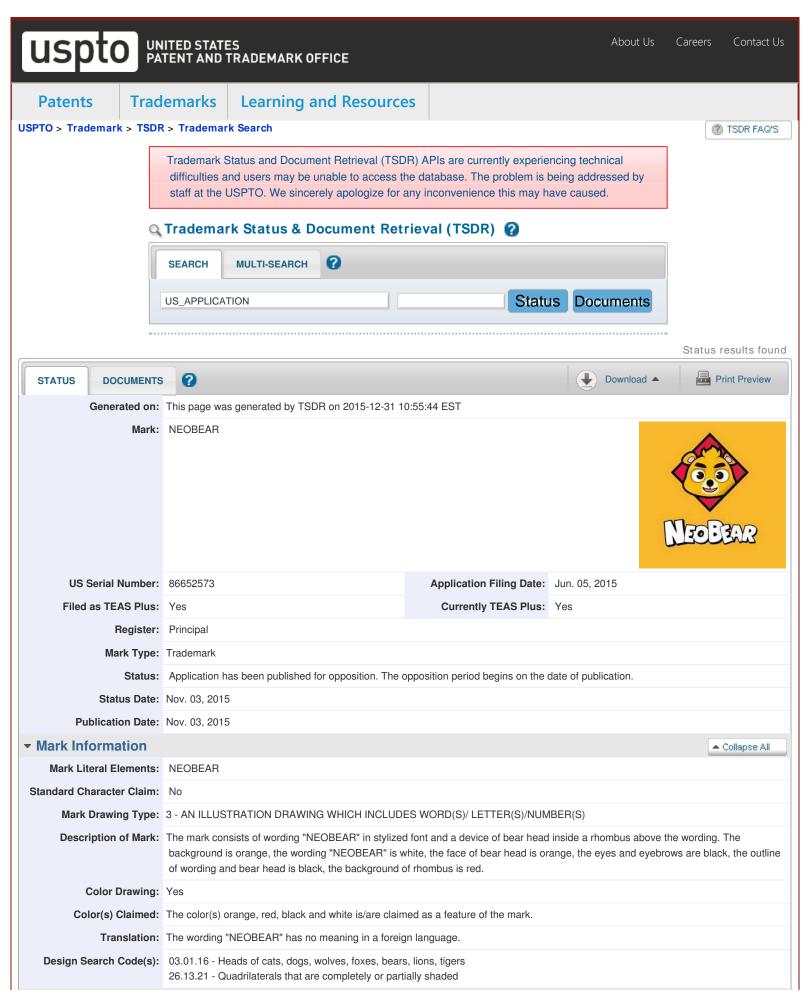
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Nov. 03, 2015

Oct. 14, 2015

Trademark Status & Document Retrieval **▼** Goods and Services Note: The following symbols indicate that the registrant/owner has amended the goods/services: • Brackets [..] indicate deleted goods/services; • Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks *..* identify additional (new) wording in the goods/services. For: Balls for games; Children's educational toys for developing fine motor, cognitive, counting skills; Children's multiple activity toys; Handheld game consoles; Jigsaw puzzles; Manually-operated exercise equipment for physical fitness purposes; Plush toys; Portable games with liquid crystal displays; Video game machines International Class(es): 028 - Primary Class **U.S Class(es):** 022, 023, 038, 050 Class Status: ACTIVE Basis: 1(a) First Use: Jan. 10, 2015 Use in Commerce: May 16, 2015 Basis Information (Case Level) Filed Use: Yes Currently Use: Yes Amended Use: No Filed ITU: No Currently ITU: No Amended ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Currently 44E: No Amended 44E: No Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No Current Owner(s) Information Owner Name: YoungZone Culture (ShangHai) Co.,Ltd Owner Address: Room 590, Block 2, No. 1006 Jinshajiang Road, Putuo District Shanghai CHINA Legal Entity Type: limited liability company State or Country Where CHINA Organized: Attorney/Correspondence Information Attorney of Record - None Correspondent Correspondent ANTHEA LEE Name/Address: 10685B Hazelhurst Dr # 9123 Houston, TEXAS UNITED STATES 77043-3238 Fax: 302-451-9920 Correspondent e-mail: anthealee_ch@hotmail.com mr.kgip@gmail.com Correspondent e-mail Yes Authorized: **Domestic Representative** Domestic Representative Anthea Lee Name: Fax: 302-451-9920 Domestic Representative e- anthealee_ch@hotmail.com Domestic Representative e- Yes mail Authorized: Prosecution History Date Description **Proceeding Number** Nov. 03, 2015 OFFICIAL GAZETTE PUBLICATION **CONFIRMATION E-MAILED**

http://tsdr.uspto.gov/#caseNumber=86652573&caseType=SERIAL_NO&searchType=statusSearch[12/31/2015 03:58:27 PM]

PUBLISHED FOR OPPOSITION

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Sep. 23, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 16, 2015	ASSIGNED TO EXAMINER	77073
Jun. 11, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jun. 10, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 09, 2015	NEW APPLICATION ENTERED IN TRAM	
▼ TM Staff and Location Information		

TM Staff Information

TM Attorney: BELLO, ZACHARY R Law Office Assigned: LAW OFFICE 111

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Sep. 25, 2015

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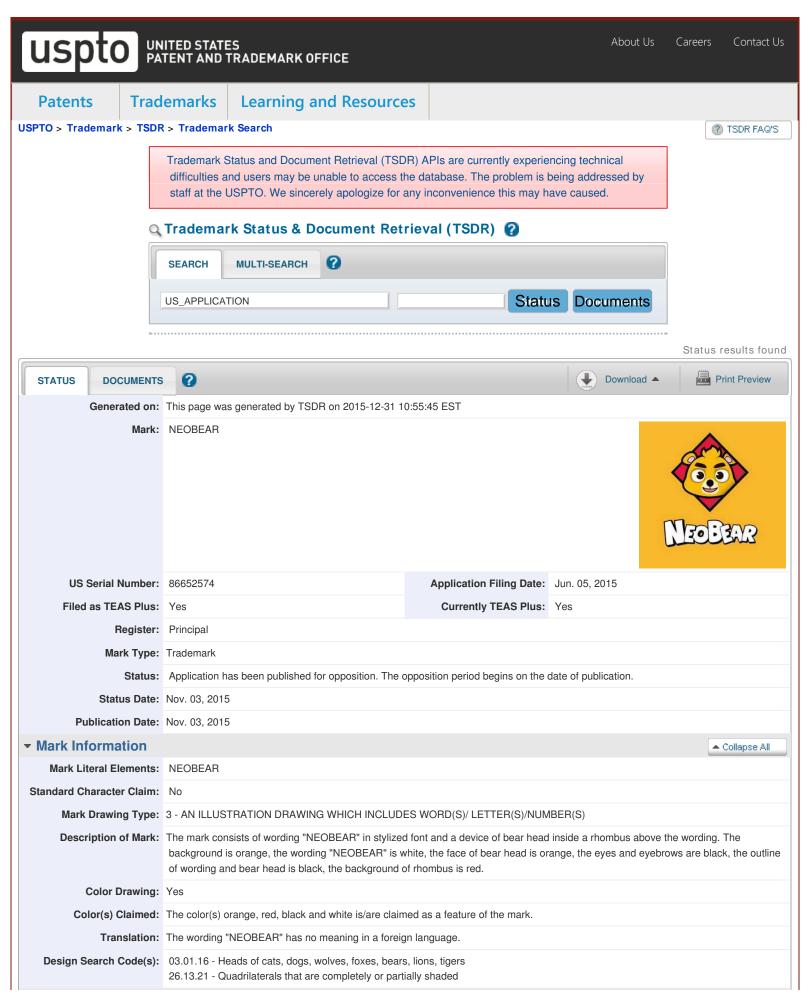
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▼ Goods and Services

Note:

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- Brackets [..] indicate deleted goods/services;
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For: Blank paper tapes and cards for the recording of computer programs; Books in the field of early education; Educational publications, namely, educational learning cards, flash cards, activity cards, workbooks, textbooks, activity books, story books, puzzle books, printed puzzles, teacher guides, manuals, posters and educational booklets in the field of early education; General feature magazines; Geographical maps; Note cards; Pen and pencil cases and boxes; Printed instructional, educational, and teaching materials in the field of early education; Printed publications, namely, brochures, booklets, and teaching materials in the field of early education; Stationery; Terrestrial globes

International Class(es): 016 - Primary Class U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 10, 2015 Use in Commerce: May 16, 2015

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes Amended Use: No Filed ITU: No Currently ITU: No Amended ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Currently 44E: No Amended 44E: No Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: YoungZone Culture (ShangHai) Co.,Ltd

Owner Address: Room 590, Block 2, No. 1006

Jinshajiang Road, Putuo District

Shanghai CHINA

Legal Entity Type: limited liability company State or Country Where CHINA

Organized:

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent ANTHEA LEE

Name/Address: 10685B Hazelhurst Dr # 9123

Houston, TEXAS UNITED STATES 77043-3238

Fax: 302-451-9920

Correspondent e-mail: anthealee_ch@hotmail.com mr.kgip@gmail.com Correspondent e-mail Yes Authorized:

Domestic Representative

Domestic Representative Anthea Lee

Name:

Fax: 302-451-9920

Domestic Representative e- anthealee_ch@hotmail.com Domestic Representative e- Yes mail Authorized:

Prosecution History

Date Description **Proceeding Number** Nov. 03, 2015 OFFICIAL GAZETTE PUBLICATION **CONFIRMATION E-MAILED**

Nov. 03, 2015	PUBLISHED FOR OPPOSITION	
Oct. 14, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E- MAILED	
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